

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-218086

DATE: April 3, 1985

MATTER OF: RCC Corporation

DIGEST:

1. GAO does not review Small Business Administration's refusal to issue a Certificate of Competency absent a showing of possible bad faith or fraud.
2. Under GAO Bid Protest Regulations, a protester that is ineligible to receive an award because it is nonresponsible is not an interested party entitled to file a protest.

RCC Federal Corporation protests delay by the Walter Reed Army Medical Center in awarding a contract under invitation for bids (IFB) No. DADA15-85-B-0003. RCC also complains of Walter Reed's conclusion that its sample transcripts were poorly done. We dismiss the protest.

Walter Reed issued the IFB on November 7, 1984 for medical record transcription services. The solicitation required bidders to demonstrate, prior to award, their ability to perform the work by transcribing two sample operation reports. The contracting officer found the transcriptions submitted by RCC, the low bidder, to be unsatisfactory. She therefore determined RCC nonresponsible. The contracting officer forwarded the nonresponsibility determination to the Small Business Administration (SBA) under its Certificate of Competency (COC) program. We have been informed that SBA has refused to issue a COC.

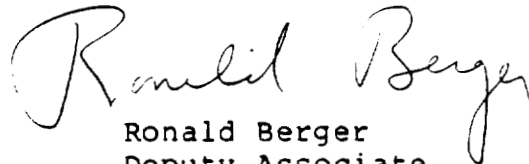
We do not review SBA's refusal to issue a COC absent a showing of possible bad faith or fraud on the part of government officials. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(3) (1985). RCC has made no such showing. Thus, we dismiss RCC's protest of the agency's evaluation of

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RCC's samples. We also dismiss RCC's argument concerning alleged agency delay. Since RCC is not eligible to receive an award because SBA has not reversed the contracting officer's nonresponsibility determination, RCC is not an interested party entitled to protest the agency's handling of the procurement. Bid Protest Regulations, 4 C.F.R. § 21.0(a).

We dismiss the protest.



Ronald Berger
Deputy Associate
General Counsel